

JOURNAL OF THE HOUSE

EIGHTY-SEVENTH SESSION

TWENTY-SECOND DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Wednesday, February 15, 2012

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Howard Grinager, followed by the Pledge of Allegiance led by House pages Lana Nelson and Rebekah Nelson.

Roll Call: All members present except Reps. Carson, Elliott, Venner, and Wink who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the twenty-first day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Val Rausch, Chair

Which motion prevailed.

HONORED GUESTS

Rep. Dennert introduced Duane Alm, a member of the Aberdeen School District Board of Education, the Associated School Boards of South Dakota Outstanding School Board Member for 2011.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration SB 8 and 127 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on Education respectfully reports that it has had under consideration SB 5 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,
Thomas J. Brunner, Chair

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration SB 11, 62, and 93 and returns the same with the recommendation that said bills do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration SB 19, 56, 57, and 168 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,
David Lust, Chair

Also MR. SPEAKER:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 65 and 87 and returns the same with the recommendation that said bills do pass.

1 Also MR. SPEAKER:

2 The Committee on Commerce and Energy respectfully reports that it has had under
3 consideration SB 115 and returns the same with the recommendation that said bill do pass and
4 be placed on the consent calendar.

5 Respectfully submitted,
6 Roger D. Solum, Chair

7 Also MR. SPEAKER:

8 The Committee on Judiciary respectfully reports that it has had under consideration SB 13
9 and returns the same with the recommendation that said bill do pass.

10 Also MR. SPEAKER:

11 The Committee on Judiciary respectfully reports that it has had under consideration SB 39
12 and 41 and returns the same with the recommendation that said bills do pass and be placed on
13 the consent calendar.

14 Also MR. SPEAKER:

15 The Committee on Judiciary respectfully reports that it has had under consideration SB 42
16 and returns the same with the recommendation that said bill be amended as follows:

17 42rd

18 On page 4, after line 6 of the Senate engrossed bill, insert:

19 " Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace,
20 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
21 effect from and after its passage and approval."

22 42rta

23 On page 1, line 1, of the Senate engrossed bill, after "corpus" insert "and to declare an
24 emergency".

25 And that as so amended said bill do pass.

26 Respectfully submitted,
27 Roger W. Hunt, Chair

MESSAGES FROM THE SENATE

MR. SPEAKER:

I have the honor to return herewith HB 1042 and 1043 which have passed the Senate without change.

Also MR. SPEAKER:

I have the honor to transmit herewith SB 10, 48, 49, 71, 77, 80, 82, 85, 128, 130, 138, 139, 170, 187, 188, 192, and 193 which have passed the Senate and your favorable consideration is respectfully requested.

Respectfully,
Fee Jacobsen, Secretary

MOTIONS AND RESOLUTIONS

HCR 1009 Introduced by: Representatives Stricherz, Bolin, Brunner, Fargen, Hickey, Hubbel, Hunt, Iron Cloud III, Killer, Lucas, Lust, Olson (Betty), Russell, Schaefer, Verchio, and Willadsen and Senators Bradford, Kraus, Maher, Nygaard, and Tieszen

A CONCURRENT RESOLUTION, Urging the federal government to honor tribal identification cards.

WHEREAS, tribal nations bear the same responsibilities as other jurisdictions for identifying and protecting tribal citizens, as well as preparing for and responding to natural disasters, terrorism, and other homeland security related events; and

WHEREAS, the United States government has the responsibility to protect tribal sovereignty and to fulfill its trust obligations to Native American tribes and people; and

WHEREAS, the federal REAL ID Act mandates federal standards for state driver licenses and identification cards and specifies the documents that states must require to issue driver licenses, as well as placing uniform information on every driver license in a standard format. The act also prohibits federal agencies and federally-regulated commercial aircraft from accepting a driver license or identification card issued by a state that has not fully complied with the act; and

WHEREAS, as a result of several post-9/11 laws, such as the REAL ID Act, the Western Hemisphere Travel Initiative, and the Help America Vote Act, identification cards have been required for a number of purposes, including obtaining Medicare benefits, voting, flying domestically, obtaining a driver license, and entering federal facilities; and

1 WHEREAS, federal requirements relating to these laws have required the use of increasing
2 levels of technology and security measures in producing identification cards at the state level
3 and the use of additional documentation necessary to verify identity; and

4 WHEREAS, most Native American tribes issue tribal identification cards to their members.
5 Many tribal citizens do not have state or federal ID but have tribal identification; and

6 WHEREAS, the State of South Dakota currently allows the use of tribal identification cards
7 for a number of purposes, including voting, banking transactions, cashing checks, and tobacco
8 purchases; and

9 WHEREAS, many tribes are not currently able to issue identification cards that meet federal
10 requirements and will need federal assistance in acquiring the equipment and technology
11 necessary to comply with federal requirements relating to identification documents:

12 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
13 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the South
14 Dakota Legislature calls upon Congress and all states to recognize valid tribal government
15 identification cards for all official purposes for which identification cards are required, including
16 voting and obtaining driver licenses; and

17 BE IT FURTHER RESOLVED, that the Legislature requests the United States Congress and
18 the Department of Homeland Security, as part of their federal trust responsibility, to provide the
19 necessary technical assistance and resources for development and issuance of tribal
20 identification cards that meet appropriate technological and security standards.

21 Was read the first time and the Speaker waived the committee referral.

22 HCR 1010 Introduced by: Representatives Hansen (Jon), Cronin, Dennert, Fargen,
23 Feickert, Feinstein, Gosch, Hunhoff (Bernie), Iron Cloud III, Killer, Kirschman, Lucas, Moser,
24 Rausch, Schrempp, Sigdestad, Street, Tornow, Wick, and Willadsen and Senators Frerichs,
25 Hansen (Tom), Haverly, Hundstad, Krebs, Lederman, Maher, Nelson (Tom), Novstrup (Al),
26 Peters, Rampelberg, Rhoden, and Sutton

27 A CONCURRENT RESOLUTION, Urging Congress to adopt a proposed constitutional
28 amendment limiting federal legislation to a single subject.

29 WHEREAS, the United States of America, in two hundred thirty-five years since her
30 founding, and two hundred twenty-three years since the ratification of her Constitution, has
31 become a great nation; and

32 WHEREAS, to reach agreement amidst diversity, we must discover those ideas which unite
33 us; and

34 WHEREAS, to find what unites us, we cannot be distracted by what divides us and must be
35 permitted to agree on some things, while respectfully disagreeing on others; and

1 WHEREAS, if we must agree on everything to do anything, we will achieve nothing; and

2 WHEREAS, federal legislation has become increasingly complex, lengthy, and filled with
3 such disparate items, that the meaning and effects of proposed laws are difficult to discern,
4 detect, and discuss; and

5 WHEREAS, forty-three states have provisions in their constitutions that limit the scope of
6 legislation to one subject per bill; and

7 WHEREAS, while one-subject provisions have not resolved all differences and are not
8 perfect, they have made legislation more easily understood and more transparent; and

9 WHEREAS, these one-subject provisions have focused discussion and allowed legislators
10 from across the United States of America to unite when they agree, without being divided by
11 their differences; and

12 WHEREAS, while no one amendment or action will completely unite us or overcome all
13 our nation's challenges, all great achievements are begun with one step for America; and

14 WHEREAS, our founders understood that no one thing solves everything, and so strove not
15 for a perfect union but a more perfect union:

16 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-
17 seventh Legislature of the State of South Dakota, the Senate concurring therein, that the
18 Congress of the United States of America be urged to adopt a proposed constitutional
19 amendment stating: "No law shall embrace more than one subject, which shall be expressed in
20 its title."

21 Was read the first time and the Speaker waived the committee referral.

22 Rep. Lust moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
23 Thursday, February 16, the 23rd legislative day.

24 Which motion prevailed.

25 **CONSIDERATION OF REPORTS OF COMMITTEES**

26 Rep. Lust moved that the report of the Standing Committee on

27 Health and Human Services on SB 72 as found on page 455 of the House Journal be
28 adopted.

29 Which motion prevailed.

1 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2 SB 10: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to
3 boating while under the influence.

4 Was read the first time and referred to the Committee on Judiciary.

5 SB 48: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for
6 fiscal year 2012.

7 Was read the first time and referred to the Committee on Appropriations.

8 SB 49: FOR AN ACT ENTITLED, An Act to revise the property tax levies for the general
9 fund of a school district.

10 Was read the first time and referred to the Committee on State Affairs.

11 SB 71: FOR AN ACT ENTITLED, An Act to modify the requirements relating to the
12 publication of the administrative rules.

13 Was read the first time and referred to the Committee on State Affairs.

14 SB 77: FOR AN ACT ENTITLED, An Act to provide for the establishment of a
15 scholarship program for postsecondary technical institute students and to make an appropriation
16 therefor.

17 Was read the first time and referred to the Committee on State Affairs.

18 SB 80: FOR AN ACT ENTITLED, An Act to exempt veterans from the twelve-month
19 residency requirement for the purposes of tuition and fees.

20 Was read the first time and referred to the Committee on Education.

21 SB 82: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
22 unclaimed property trust fund.

23 Was read the first time and referred to the Committee on Appropriations.

1 SB 85: FOR AN ACT ENTITLED, An Act to revise the calculation of the small school
2 adjustment in the state aid to education formula, and to provide for the distribution of certain
3 funds to school districts.

4 Was read the first time and referred to the Committee on Appropriations.

5 SB 128: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
6 elections.

7 Was read the first time and referred to the Committee on Local Government.

8 SB 130: FOR AN ACT ENTITLED, An Act to require the school board of each school
9 district to adopt a policy prohibiting bullying.

10 Was read the first time and referred to the Committee on Education.

11 SB 138: FOR AN ACT ENTITLED, An Act to revise the state aid to education formula
12 and to make an appropriation.

13 Was read the first time and referred to the Committee on State Affairs.

14 SB 139: FOR AN ACT ENTITLED, An Act to establish the Teach for America grant
15 program within the Department of Education and to make an appropriation therefor.

16 Was read the first time and referred to the Committee on Education.

17 SB 170: FOR AN ACT ENTITLED, An Act to provide for the enhancement of economic
18 development in South Dakota.

19 Was read the first time and referred to the Committee on State Affairs.

20 SB 187: FOR AN ACT ENTITLED, An Act to reformulate the legislative agency review
21 with an independent performance audit and to repeal certain provisions regarding the legislative
22 review of state agencies.

23 Was read the first time and referred to the Committee on State Affairs.

24 SB 188: FOR AN ACT ENTITLED, An Act to authorize the establishment, operation, and
25 control of research parks on lands controlled by the Board of Regents.

26 Was read the first time and referred to the Committee on State Affairs.

SB 192: FOR AN ACT ENTITLED, An Act to make appropriations for the purpose of one-time increases in education and health care funding.

Was read the first time and referred to the Committee on Appropriations.

SB 193: FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year 2012 and to declare an emergency.

Was read the first time and referred to the Committee on Appropriations.

SECOND READING OF CONSENT CALENDAR ITEMS

SB 107: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding personalized motor vehicle license plates.

Was read the second time.

Rep. Tornow requested that SB 107 be removed from the Consent Calendar.

Which request was granted.

SB 69: FOR AN ACT ENTITLED, An Act to repeal the sunset provision on certain statutes relating to nursing homes on Indian reservations.

Was read the second time.

Rep. Greenfield requested that SB 69 be removed from the Consent Calendar.

Which request was granted.

SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 32: FOR AN ACT ENTITLED, An Act to revise the suitability requirements for annuities.

Having had its second reading was up for consideration and final passage.

The question being "Shall SB 32 pass as amended?"

And the roll being called:

1 Yeas 66, Nays 0, Excused 4, Absent 0

2 Yeas:

3 Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden;
4 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
5 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
6 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
7 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
8 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
9 Van Gerpen; Vanneman; Verchio; White; Wick; Willadsen; Wismer; Speaker Rausch

10 Excused:

11 Carson; Elliott; Venner; Wink

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 SB 50: FOR AN ACT ENTITLED, An Act to revise the permissible uses of the cigarette
15 fire safety standard act fund.

16 Was read the second time.

17 The question being "Shall SB 50 pass?"

18 And the roll being called:

19 Yeas 55, Nays 11, Excused 4, Absent 0

20 Yeas:

21 Abdallah; Blake; Bolin; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden; Fargen; Feickert;
22 Feinstein; Gibson; Gosch; Greenfield; Hansen (Jon); Hawley; Hoffman; Hubbel; Hunhoff
23 (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Liss; Lucas;
24 Lust; Magstadt; Moser; Munsterman; Nelson (Stace); Novstrup (David); Perry; Romkema;
25 Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tornow; Tulson; Turbiville; Van
26 Gerpen; Vanneman; White; Wick; Willadsen; Wismer; Speaker Rausch

27 Nays:

28 Boomgarden; Haggar; Hickey; Kopp; Miller; Olson (Betty); Rozum; Russell; Schaefer; Steele;
29 Verchio

30 Excused:

31 Carson; Elliott; Venner; Wink

32 So the bill having received an affirmative vote of a two-thirds majority of the members-
33 elect, the Speaker declared the bill passed and the title was agreed to.

SB 4: FOR AN ACT ENTITLED, An Act to make an appropriation to continue the veterans' bonus program and to declare an emergency.

Was read the second time.

4ba

Rep. Kloucek moved that SB 4 be amended as follows:

On page 1, line 9, of the printed bill, delete "by" and insert "in section 1 of".

On page 1, line 10, after "Whereas," insert "section 1 of".

On page 1, line 11, after "and" insert "section 1 of".

On page 1, after line 12, insert:

" Section 5. That § 33A-1-16 be amended to read as follows:

33A-1-16. The Department of Veterans Affairs shall cooperate with all national, state, county, municipal, and private social agencies in securing to veterans, National Guard or Reserve members, and their dependents the benefits provided by national, state, and county laws, municipal ordinances, or public or private social agencies. To that end, the department may hold schools of instruction for county and tribal veterans service officers, or call in for instruction individual county or tribal veterans service officers if, in the judgment of the Department of Veterans Affairs, the giving of such instructions or holding of such schools is in the best interest of the work of the department. The department may pay the actual necessary expenses of any such county service officer when attending such schools of instruction away from the officer's home county, out of the funds appropriated for the administration of the department. The expenses may be paid out only on duly itemized vouchers presented to the state auditor and approved by the secretary of veterans affairs.

Section 6. There is hereby appropriated from the general fund the sum of one hundred sixty-seven thousand dollars (\$167,000), or so much thereof as may be necessary, to the Department of Veterans Affairs to be used for reimbursement of salary and expenses of veterans' service officers in accordance with §§ 33A-1-16, 33A-1-30, and 33A-1-31.

Section 7. Any amounts appropriated in section 6 of this Act not lawfully expended or obligated by June 30, 2013, shall revert in accordance with the procedures prescribed in chapter 4-8."

Rep. Cronin moved that Rep. Kloucek's motion to amend SB 4 be laid on the table.

A roll call vote was requested and supported.

1 The question being on Rep. Cronin's motion that Rep. Kloucek's motion to amend SB 4
2 be laid on the table.

3 And the roll being called:

4 Yeas 43, Nays 22, Excused 5, Absent 0

5 Yeas:

6 Abdallah; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dryden; Fargen; Gosch;
7 Haggar; Hansen (Jon); Hickey; Hoffman; Hubbel; Hunt; Kirkeby; Kopp; Liss; Lust; Magstadt;
8 Miller; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum;
9 Schaefer; Scott; Sly; Solum; Steele; Tulson; Turbiville; Van Gerpen; Vanneman; Verchio;
10 White; Wick; Willadsen; Speaker Rausch

11 Nays:

12 Blake; Dennert; Feickert; Feinstein; Gibson; Greenfield; Hawley; Hunhoff (Bernie); Iron Cloud
13 III; Jones; Killer; Kirschman; Kloucek; Lucas; Nelson (Stace); Russell; Schrempp; Sigdestad;
14 Street; Stricherz; Tornow; Wismer

15 Excused:

16 Carson; Elliott; Jensen; Venner; Wink

17 So the motion having received an affirmative vote of a majority of the members present,
18 the Speaker declared the motion carried and the amendment was tabled.

19 The question being "Shall SB 4 pass?"

20 And the roll being called:

21 Yeas 66, Nays 0, Excused 4, Absent 0

22 Yeas:

23 Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden;
24 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
25 Hoffman; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby;
26 Kirschman; Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson
27 (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer;
28 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville;
29 Van Gerpen; Vanneman; Verchio; White; Wick; Willadsen; Wismer; Speaker Rausch

30 Excused:

31 Carson; Elliott; Venner; Wink

32 So the bill having received an affirmative vote of a two-thirds majority of the members-
33 elect, the Speaker declared the bill passed and the title was agreed to.

1 SB 9: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain
2 family physicians and dentists who have complied with the requirements of the physician tuition
3 reimbursement program and dental tuition reimbursement program and to declare an emergency.

4 Was read the second time.

5 The question being "Shall SB 9 pass?"

6 And the roll being called:

7 Yeas 61, Nays 4, Excused 5, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden;
10 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hawley; Hickey; Hubbel;
11 Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek;
12 Kopp; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty);
13 Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele;
14 Street; Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman; Verchio; White; Wick;
15 Willadsen; Wismer; Speaker Rausch

16 Nays:

17 Hansen (Jon); Liss; Nelson (Stace); Tornow

18 Excused:

19 Carson; Elliott; Hoffman; Venner; Wink

20 So the bill having received an affirmative vote of a two-thirds majority of the members-
21 elect, the Speaker declared the bill passed and the title was agreed to.

22 SB 36: FOR AN ACT ENTITLED, An Act to make an appropriation for costs related to
23 suppression of wildfires in the state and to declare an emergency.

24 Was read the second time.

25 The question being "Shall SB 36 pass?"

26 And the roll being called:

27 Yeas 64, Nays 0, Excused 6, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden;
3 Fargen; Feickert; Feinstein; Gibson; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
4 Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman;
5 Kloucek; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace);
6 Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp;
7 Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen;
8 Vanneman; Verchio; White; Wick; Willadsen; Wismer; Speaker Rausch

9 Excused:

10 Carson; Elliott; Gosch; Hoffman; Venner; Wink

11 So the bill having received an affirmative vote of a two-thirds majority of the members-
12 elect, the Speaker declared the bill passed and the title was agreed to.

13 SB 38: FOR AN ACT ENTITLED, An Act to provide for the transfer of control of an
14 office building in Rapid City, to make an appropriation for the construction and renovation of
15 the office building, and to declare an emergency.

16 Was read the second time.

17 The question being "Shall SB 38 pass as amended?"

18 And the roll being called:

19 Yeas 57, Nays 8, Excused 5, Absent 0

20 Yeas:

21 Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden;
22 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey;
23 Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Killer; Kirkeby; Kirschman; Kloucek; Kopp;
24 Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry;
25 Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz;
26 Tulson; Turbiville; Van Gerpen; Vanneman; White; Wick; Willadsen; Wismer; Speaker Rausch

27 Nays:

28 Jensen; Jones; Liss; Nelson (Stace); Russell; Steele; Tornow; Verchio

29 Excused:

30 Carson; Elliott; Hoffman; Venner; Wink

31 So the bill having received an affirmative vote of a two-thirds majority of the members-
32 elect, the Speaker declared the bill passed and the title was agreed to.

1 SB 45: FOR AN ACT ENTITLED, An Act to appropriate additional funds and to extend
2 the availability of appropriations to replace storage facilities at the Cottonwood Agricultural
3 Experiment Station.

4 Was read the second time.

5 The question being "Shall SB 45 pass?"

6 And the roll being called:

7 Yeas 49, Nays 16, Excused 5, Absent 0

8 Yeas:

9 Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden;
10 Fargen; Feickert; Feinstein; Gosch; Haggar; Hawley; Hunhoff (Bernie); Hunt; Iron Cloud III;
11 Jones; Killer; Kirschman; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup
12 (David); Perry; Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street;
13 Stricherz; Tulson; Turbiville; Van Gerpen; Vanneman; White; Wick; Willadsen; Wismer;
14 Speaker Rausch

15 Nays:

16 Gibson; Greenfield; Hansen (Jon); Hickey; Hubbel; Jensen; Kirkeby; Kloucek; Kopp; Liss;
17 Nelson (Stace); Olson (Betty); Russell; Steele; Tornow; Verchio

18 Excused:

19 Carson; Elliott; Hoffman; Venner; Wink

20 So the bill having received an affirmative vote of a two-thirds majority of the members-
21 elect, the Speaker declared the bill passed and the title was agreed to.

22 SB 35: FOR AN ACT ENTITLED, An Act to update certain citations to federal regulations
23 and increase certain civil penalties regarding pipeline safety inspection.

24 Was read the second time.

25 The question being "Shall SB 35 pass?"

26 And the roll being called:

27 Yeas 55, Nays 8, Excused 7, Absent 0

1 Yeas:

2 Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden;
3 Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley;
4 Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Liss; Lucas;
5 Lust; Magstadt; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema;
6 Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Street; Stricherz; Tulson; Turbiville;
7 Van Gerpen; Vanneman; White; Wick; Willadsen; Wismer; Speaker Rausch

8 Nays:

9 Hubbel; Kopp; Miller; Nelson (Stace); Russell; Steele; Tornow; Verchio

10 Excused:

11 Carson; Elliott; Hickey; Hoffman; Kloucek; Venner; Wink

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 Speaker declared the bill passed and the title was agreed to.

14 SB 99: FOR AN ACT ENTITLED, An Act to prohibit certain licensees or employees of
15 a licensed establishment who have been charged with certain felony offenses from entering the
16 licensed premises and to provide a penalty therefor.

17 Was read the second time.

18 Rep. Hunt moved that SB 99 be deferred to Tuesday, February 21, the 24th legislative day.

19 Which motion prevailed.

20 SB 14: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding alcohol
21 or drug commitments.

22 Was read the second time.

23 The question being "Shall SB 14 pass?"

24 And the roll being called:

25 Yeas 59, Nays 4, Excused 7, Absent 0

1 Yeas:

2 Blake; Bolin; Boomgarden; Brunner; Conzet; Deelstra; Dennert; Dryden; Fargen; Feickert;
3 Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hunhoff
4 (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Killer; Kirkeby; Kirschman; Kloucek; Kopp;
5 Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Novstrup (David); Olson (Betty); Perry;
6 Romkema; Rozum; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz;
7 Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Verchio; White; Wick; Willadsen;
8 Wismer; Speaker Rausch

9 Nays:

10 Hubbel; Liss; Nelson (Stace); Russell

11 Excused:

12 Abdallah; Carson; Cronin; Elliott; Hoffman; Venner; Wink

13 So the bill having received an affirmative vote of a majority of the members-elect, the
14 Speaker declared the bill passed and the title was agreed to.

15 SB 15: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the
16 treatment of persons with mental illness, including consent to treatment.

17 Was read the second time.

18 The question being "Shall SB 15 pass as amended?"

19 And the roll being called:

20 Yeas 54, Nays 10, Excused 6, Absent 0

21 Yeas:

22 Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden;
23 Fargen; Feickert; Feinstein; Gibson; Gosch; Haggar; Hansen (Jon); Hawley; Hickey; Hunhoff
24 (Bernie); Hunt; Iron Cloud III; Jones; Kirkeby; Kirschman; Kopp; Lucas; Lust; Magstadt;
25 Moser; Munsterman; Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Schaefer;
26 Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tulson; Turbiville; Van
27 Gerpen; Vanneman; White; Wick; Willadsen; Wismer; Speaker Rausch

28 Nays:

29 Greenfield; Hubbel; Jensen; Killer; Liss; Miller; Nelson (Stace); Russell; Tornow; Verchio

30 Excused:

31 Carson; Elliott; Hoffman; Kloucek; Venner; Wink

32 So the bill having received an affirmative vote of a majority of the members-elect, the
33 Speaker declared the bill passed and the title was agreed to.

SB 23: FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances schedule and to declare an emergency.

Was read the second time.

The question being "Shall SB 23 pass as amended?"

And the roll being called:

Yeas 63, Nays 1, Excused 6, Absent 0

Yeas:

Abdallah; Blake; Bolin; Boomgarden; Brunner; Conzet; Cronin; Deelstra; Dennert; Dryden; Fargen; Feickert; Feinstein; Gibson; Gosch; Greenfield; Haggar; Hansen (Jon); Hawley; Hickey; Hubbel; Hunhoff (Bernie); Hunt; Iron Cloud III; Jensen; Jones; Kirkeby; Kirschman; Kopp; Liss; Lucas; Lust; Magstadt; Miller; Moser; Munsterman; Nelson (Stace); Novstrup (David); Olson (Betty); Perry; Romkema; Rozum; Russell; Schaefer; Schrempp; Scott; Sigdestad; Sly; Solum; Steele; Street; Stricherz; Tornow; Tulson; Turbiville; Van Gerpen; Vanneman; Verchio; White; Wick; Willadsen; Wismer; Speaker Rausch

Nays:

Killer

Excused:

Carson; Elliott; Hoffman; Kloucek; Venner; Wink

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

There being no objection, the House reverted to Order of Business No. 5.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that HB 1154 was delivered to his Excellency, the Governor, for his approval at 9:00 a.m., February 15, 2012.

1 Also MR. SPEAKER:

2 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
3 and Enrolling has carefully compared HB 1042 and 1043 and finds the same correctly enrolled.

4 Respectfully submitted,
5 Val Rausch, Chair

6 **SIGNING OF BILLS**

7 The Speaker publicly read the title to

8 HB 1042: FOR AN ACT ENTITLED, An Act to repeal certain obsolete statutes relating
9 to the State Cement Plant Commission.

10 HB 1043: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the
11 full-time equivalent staffing report.

12 SB 33: FOR AN ACT ENTITLED, An Act to revise the exemptions for insurance agent
13 examinations.

14 SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions and delete certain
15 obsolete provisions pertaining to the Department of Labor and Regulation.

16 SB 51: FOR AN ACT ENTITLED, An Act to eliminate an obsolete reference to the
17 Division of Commercial Inspection and Regulation.

18 And signed the same in the presence of the House.

19 **COMMEMORATIONS**

20 HC 1021 Introduced by: Representatives Kloucek, Abdallah, Blake, Bolin, Dennert, Elliott,
21 Feickert, Feinstein, Gibson, Hawley, Hubbel, Hunhoff (Bernie), Hunt, Iron Cloud III, Jones,
22 Killer, Kirkeby, Kirschman, Lucas, Magstadt, Moser, Nelson (Stace), Perry, Rausch, Russell,
23 Schrempp, Sigdestad, Solum, Street, Stricherz, Turbiville, Van Gerpen, Verchio, and Wismer
24 and Senators Hundstad, Adelstein, Begalka, Bradford, Cutler, Frerichs, Fryslie, Holien, Hunhoff
25 (Jean), Maher, Nelson (Tom), Novstrup (Al), Nygaard, Putnam, Rampelberg, Rhoden, and
26 Sutton

27 A LEGISLATIVE COMMEMORATION, Commending and honoring the VFW Voice of
28 Democracy, Patriot's Pen, and Teachers of the Year award winners of 2012.

29 WHEREAS, the Voice of Democracy and Patriot's Pen scholarship programs sponsored by
30 the Veterans of Foreign Wars provide millions of dollars each year and provide an opportunity

1 for middle school students to think, write, and speak up for our country for freedom and
2 democracy. The Voice of Democracy theme for this year is: "Is There Pride In Serving Our
3 Military?" and the Patriot's Pen theme is: "Are You Proud of Your Country?"; and

4 WHEREAS, the recipients of the Voice of Democracy (grades 9-12), Patriot's Pen (grades
5 6-8), and Teachers of the Year awards were announced on February 7, 2012, in Pierre at the
6 VFW State Voice of Democracy Patriot Award Banquet; and

7 WHEREAS, the Voice of Democracy winner, Zachary Christy from Belle Fourche, won a
8 \$500 scholarship and a trip to Washington, D.C., where he has a chance to win additional
9 scholarships; and

10 WHEREAS, Patriot's Pen first place winner Kate Kruse of Lesterville won \$250, and second
11 place winner Preston Barr of Aberdeen won a \$200 savings bond; and

12 WHEREAS, VFW K-5 Teacher of the Year was Teresa Milliron of Watertown. JoAnn
13 Volkenant of Waverly won Middle School Teacher of the Year, and Blake Proefrock of Lead
14 won High School Teacher of the Year; and

15 WHEREAS, escorting the winners to receive their awards were: Past National
16 VFW Commander Walley Hogan, Past National VFW Ladies Auxiliary President Dixie Hild,
17 SD VFW Commander Verne Hansen, SD VFW Ladies Auxiliary President Jan Endes, and
18 Dennis and Karen Sharp, who served as hosts for the Voice of Democracy in Pierre for twenty
19 years:

20 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-seventh Legislature of
21 the State of South Dakota, that the 2012 VFW Voice of Democracy, Patriot's Pen, and Teachers
22 of the Year award winners are to be honored and commemorated for putting patriotic words into
23 action and for their programs that provide an opportunity for middle school students to think,
24 write, and speak up for our country and for freedom and democracy.

25 Rep. Turbiville moved that the House do now adjourn, which motion prevailed and at
26 3:39 p.m. the House adjourned.

27 Karen Gerdes, Chief Clerk